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EXAMINER

SCHUBERT, KEVIN R

ART UNIT PAPER NUMBER

2137

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/935,395

**Applicant(s)**

BATRA ET AL.

**Examiner**

Kevin Schubert

**Art Unit**

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

Claims 1-39 have been considered.

***Claim Rejections - 35 USC § 102***

5           The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

10           (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

15           Claims 1,5-14,18-27, and 31-39 are rejected under 35 U.S.C. 102(e) as being anticipated by D'Sa, U.S. Patent Application Publication No. 2002/0178355.

20           As per claims 1,14, and 27, the applicant describes a data processing system for defining a configuration of IP security tunnels comprising the following limitations which are met by D'Sa:

a) a security policy specification format capable of being utilized by a plurality of different operating systems and a plurality of different machine types ([0041],[0047]-[0048],Fig 2);

25           b) said system for automatically configuring an IP security tunnel utilizing said security policy specification format ([0042],[0047]-[0048],Fig 2);

As per claims 5-11,18-24, and 31-37, the applicant describes the system of claims 1,14, and 27, which are met by D'Sa (see above), with the following limitations which are met by D'Sa:

a) a root element ([0070]);

30           b) a protection element ([0099]);

c) a transform element ([0090], [0153]);

Art Unit: 2137

- d) a group element ([0065]);
- e) an identification element ([0066]);
- f) a tunnel element ([0138], [0139], [0177]);
- g) a local/remote identify element ([0058], [0061]);
- 5 h) an ID type element ([0066]);
- i) an ID definition element ([0067]);
- j) a pre-shared key element ([0099]);
- k) an IPsec proposal element ([0071], [0072]);
- l) an IPsec authentication header element ([0146]);
- 10 m) an IPsec protection element ([0146]);

As per claims 12-13,25-26, and 38-39, the applicant describes the system of claims 1,14, and 27, which are met by D'Sa (see above), with the following limitation which is met by D'Sa:

Further comprising the step of automatically configuring an IP security tunnel utilizing said  
15 security policy specification format ([0040] and [0041]);

As described by D'Sa, security tunnels are configured and stored in a database wherein a user can reconnect and have a security tunnel automatically reconfigured according to parameters in the database. This is done through a process in which first and second security policies are compared and the policy and tunnel which is applicable to the local-remote computer pair is used.

20 Claims 1,14, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Bendinelli, U.S. Patent No. 6,631,416.

As per claims 1,14, and 27, the applicant describes a data processing system for defining a  
25 configuration of IP security tunnels with the following limitations which are met by Bendinelli:

a) a security policy specification format capable of being utilized by a plurality of different operating systems and a plurality of different machine types (Col 17, lines 36-63);

Art Unit: 2137

b) said system for automatically configuring an IP security tunnel utilizing said security policy specification format (Col 17, lines 36-63);

***Claim Rejections - 35 USC § 103***

5           The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

10           (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15           Claims 2-4,15-17, and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bendinelli in view of Pfeiffer (Pfeiffer, Ralf I. March 2, 1999. XML Tutorials for Programmers. retrieved from <http://www.informatik.hu-berlin.de/~xing/Lib/RIP-writing.pdf>).

20           As per claims 2-4,15-17, and 28-30, the applicant describes the system of claims 1,14, and 27, which are met by Bendinelli (see above), with the following limitation which is met by Bendinelli in view of Pfeiffer:

          Further comprising said security policy specification format being established as a DTD file (Bendinelli: Col 17, lines 36-63; Pfeiffer: pages 5-6);

25           Bendinelli discloses all the limitations of independent claims 1,14, and 27. However, Bendinelli discloses that the security policy specification format is established as an XML file, not a DTD file. Pfeiffer discloses that a DTD file commonly stores policy and rules. Combining Pfeiffer with Bendinelli would allow the security policy specification format to be stored in a DTD file instead of an XML file. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to incorporate the ideas of Pfeiffer with those of Bendinelli because a DTD file is another means to store a security policy  
30           specification format and DTD files typically store policy and rules.

***Response to Arguments***

Applicant's arguments, see Remarks, filed 7/20/05, with respect to the 112 rejections have been fully considered and are persuasive. The 112 rejections have been withdrawn.

5

Applicant's arguments with respect to the rejection of the independent claims (1,14, and 27) under D'Sa have been fully considered but they are not persuasive. The applicant presents a series of arguments which are summarized below, none of which are persuasive.

The applicant first argues that D'Sa does not teach "a security policy specification format capable  
10 of being utilized by a plurality of different operating systems and a plurality of different machine types". The examiner disagrees. D'Sa provides a method for preventing a user from having to manually set up an IP security tunnel by storing the information needed to automatically configure the IP security tunnel in a security policy specification format in a VPN configuration database. The security policy specification format includes specifics utilized in configuring the IP security tunnel including proposal information,  
15 transform information, encryption information, etc. The VPN configuration database uses the IP addresses of the computers wishing to establish the IP security tunnel to retrieve the corresponding necessary information. The examiner points the applicant to the following passage of D'Sa:

"If the pair was found in the endpoints table, decision branches to "yes" branch whereupon a  
20 policy corresponding to the local-remote pair is selected from the policy table. The policy includes a proposal list with separate initiator and responder proposals. Proposals have general characteristics, like lifetimes and transform names. Transforms include specific encryption algorithms, hash algorithms, and authentication methods being proposed. A determination is made as to whether a corresponding policy was found" [0048].

25 This security policy specification format is capable of being utilized by a plurality of different operating systems and machine types which span a plurality of virtual private networks (Figs 1,2, and 3). The examiner also notes that Figs 1,2, and 3 of D'Sa illustrating the invention are identical to Figs 1,2, and 3 of the applicant and that the paragraph cited above is found word-for-word in page 16, lines 15-31 of the applicant's specification.

Art Unit: 2137

The applicant presents a second argument that D'Sa's system does not automatically configure the IP security tunnel utilizing the security policy specification format. The examiner disagrees. The VPN configuration database is used in the system to store a security policy specification format which is utilized to automatically construct an IP security tunnel. This prevents the user from having to manually set up the tunnel every time a connection is made. The only time the user does manually configure the tunnel is the initial configuration or when the VPN configuration database determines that the address pair is not registered in the VPN configuration when the VPN configuration database tries to retrieve necessary information to set up the IP security tunnel [0047].

The applicant presents a third argument that "D'Sa actually teaches away from the presently claimed invention because it teaches utilization of a list of already configured tunnels in the Endpoints table" (See Remarks page 9). The examiner fails to understand this argument as the passages the applicant is referring to are word for word in the applicant's specification. Compare D'Sa [0047]-[0052] with the applicant's Specification page 15, line 22 to page 18, line 22. Additionally Figs 4 and 5 of D'Sa present a flow chart of how the IP security tunnel is configured which are identical to Figs 4 and 5 of the applicant's specification.

Applicant's arguments with respect to the rejection of the independent claims (1, 14, and 27) under Bendinelli have been fully considered but they are not persuasive. The applicant argues that Bendinelli does not teach "automatically configuring IP security tunnels by establishing a security policy specification format capable of being utilized by a plurality of different operating systems and a plurality of different machine types". The examiner disagrees. Bendinelli discloses an invention that satisfies the same goal of the applicant of decreasing the burden of a user associated with having to manually configure an IP security tunnel (Col 3, lines 39-45). Bendinelli accomplishes this task in part by allowing the user to set up an IP security tunnel configuration via a control system. The control system then provides the information necessary to set up the IP security tunnel to the user in an XML file on a disk which the user can insert into a computer to automatically configure an IP security tunnel. The IP security

Art Unit: 2137

tunnel can be formed between a control system and a personal computer, hence a plurality of different machine types/operating systems.

Applicant's arguments with respect to dependent claims 6,11,16,24, and 29 have been fully considered but they are not persuasive. The applicant argues that D'Sa does not teach a protection element that includes a listing of Internet Key Exchange transforms. D'Sa does teach a protection element as D'Sa teaches sending a list of transforms [0088] to install data protection in the system. D'Sa also discloses that this list of transforms includes key transforms for negotiating the particular key used.

Applicant's arguments with respect to claims 11,24, and 37 have been fully considered but they are not persuasive. The applicant argues that D'Sa does not teach certain features of the claim. The examiner disagrees. D'Sa does disclose these elements in the context of Internet Protocol Security. Specifically, D'Sa teaches that phase 2 processing takes place via Internet Protocol Security proposals and negotiations [0195]. Specifically these may be a proposal element [0144], an authentication header element [0146], an ESP element [0148], and a protection element [0146].

Applicant's arguments with respect to claims 12-13,25-26, and 38-39 have been fully considered but they are not persuasive. The examiner notes that this argument has already been discussed (see the examiner's remarks regarding the rejection of the independent claims under D'Sa).

Applicant's arguments with respect to the 103 rejection have been fully considered but they are not persuasive. The applicant argues motivation. The examiner disagrees. There is motivation to store the security policy specification format in a DTD file instead of an XML file because a DTD file is another common means of storing a format, such as a security policy specification format, and it is well-known that a DTD file typically stores policy and rules.

### ***Conclusion***



Art Unit: 2137

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Schubert whose telephone number is (571) 272-4239. The examiner can normally be reached on M-F 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KS

  
**EMMANUEL L. MOISE**  
**SUPERVISORY PATENT EXAMINER**